IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1239 OF 2005

Devidas Vasudeo Patil ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. P.M. Pradhan for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 19th April, 2005.

P.C.

1. Heard the learned Counsel for the applicant.

2. Applicant was arrested for an offence punishable under section 302, 147, 148, 149 of the Indian Penal Code which is registered vide C.R. No.I-10/2003 by the Padgha Police Station.

3. Prosecution case is that the applicant along with others assaulted husband of the complainant with a chopper and stones and this incident was witnessed by the complainant and other witnesses viz. Nilesh Patil, Sachin Patil, Sugandha Patil, Atmaram Patil and others.

4. The learned Counsel for the applicant submitted that Kamlakar was carrying chopper in his hand and the

present applicants were allegedly having stones in their hands. He submitted that the medical evidence does not support he eye witnesses who have alleged that the applicants had assaulted the deceased even with stones.

5. It is not possible to accept the submissions made by the learned Counsel appearing for the applicant. The post mortem report indicates that apart from incise wound, there were fracture injuries and swelling seen on the dead body. This is, therefore, not a fit case for grant of bail. Applicants are in jail from 4/2/2003 and have already undergone almost two years as an under trial prisoners. Under the circumstances, Trial Court is directed to decide the Criminal Case as expeditiously as possible. The Trial Court should not be influenced by any observations made by this Court while refusing to grant bail to the applicant in this application. If the trial is not decided within a reasonable time, liberty is granted to the applicant to apply for bail again.

V.M. KANADE, J.